

Assembly Bill No. 1535

CHAPTER 54

An act to add Section 15819.295 to the Government Code, relating to prison construction, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1999. Filed with
Secretary of State July 6, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, Florez. Prison construction.

Existing law authorizes the construction of correctional facilities, as specified, and authorizes the necessary funding for specified construction to be obtained through lease-purchase financing methods.

This bill would authorize the Department of Corrections to construct and establish a maximum security prison, together with a Level I support services facility, in the vicinity of Delano to be known as the California State Prison-Kern County at Delano II, as specified. This bill would appropriate \$24 million from the General Fund for site acquisition and other costs, and authorize \$311.5 million for construction of the prison to be provided through lease-purchase arrangements, subject to certain findings being made, as specified. The bill would also make activation of the prison contingent upon provision by the department of 9,000 therapeutic drug treatment slots or similar modalities. The bill would also provide that up to \$4 million will be available for local mitigation costs, as specified. This bill would also appropriate \$15.5 million from the General Fund for additional parole officers. The bill would also provide that the Director of Finance, upon request by the Director of Corrections and upon legislative notification, may redirect certain funds appropriated in the Budget Act.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Department of Corrections is authorized to construct and establish a 2,248 cell maximum security prison, together with a 408 bed Level I support services facility in the vicinity of Delano in Kern County to be known as the California State Prison-Kern County at Delano II.

SEC. 2. Section 15819.295 is added to the Government Code, to read:

15819.295. (a) Notwithstanding Section 15819.29, the necessary funding for the construction of the California State Prison-Kern County at Delano II authorized by Section 1 of the act enacting this section may be obtained through lease-purchase financing arrangements. Sections 15819.1 to 15819.13, inclusive, and Section 15819.15 shall apply for this purpose provided that the following applies:

(1) “Prison facility” as used in Section 15819.1 includes the California State Prison-Kern County at Delano II.

(2) Notwithstanding the limitation imposed by Section 15819.3 regarding the amount of bonds to be issued for construction, acquisition, and financing of prison facilities, the State Public Works Board may issue additional bonds in order to pay the costs of acquiring and constructing or refinancing the California State Prison-Kern County at Delano II.

(b) Notwithstanding Section 13340, funds derived from the lease-purchase financing methods for the California State Prison-Kern County at Delano II deposited in the State Treasury, are hereby continuously appropriated to the State Public Works Board on behalf of the Department of Corrections for the purpose of acquiring and constructing or refinancing the prison facility so financed.

The sum of three hundred eleven million five hundred thousand dollars (\$311,500,000) shall be available for capital outlay for the California State Prison-Kern County at Delano II from funds derived from lease-purchase financing methods.

A maximum of four million dollars (\$4,000,000) of the funds may be available for mitigation costs of local government and school districts.

(c) California State Prison-Kern County at Delano II shall not be occupied until the Director of the Department of Finance finds and reports to the Legislature that the following has occurred:

The department has activated or made available a total of 9,000 in-prison therapeutic drug treatment slots or similar modalities.

(d) The State Public Works Board may authorize the augmentation of the cost of construction of the project set forth in this section pursuant to the board’s authority under Section 13332.11. In addition, the State Public Works Board may authorize any additional amounts necessary to establish a reasonable construction reserve and to pay the costs of financing, including the payment of interest during acquisition or construction of the project, the cost of financing a debt service reserve fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim loan for the facility from the General Fund, the Pooled

Money Investment Account pursuant to Section 16312, or other interim financing programs.

SEC. 3. The sum of twenty-four million dollars (\$24,000,000) is appropriated from the General Fund to the Department of Corrections for the purposes of site acquisition, site studies and suitability reports, environmental studies, master planning, architectural programming, schematics, preliminary plans, and working drawings for the California State Prison-Kern County, at Delano II.

SEC. 4. The sum of fifteen million five hundred thousand dollars (\$15,500,000) is appropriated from the General Fund to the Department of Corrections to hire additional parole officers to reduce crime and recidivism and protect the public safety. Any funds not spent for this purpose in the 1999–2000 fiscal year shall revert to the General Fund.

SEC. 5. Upon a request by the Director of Corrections, the Director of Finance, upon legislative notification, may redirect from provisions 15, 17, 19, and 20 of Item 5240-001-0001 of the 1999 Budget Act to provisions 13 to 20, inclusive, of Item 5240-001-0001 of the 1999 Budget Act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the necessary construction of prison facilities, it is necessary for this act to take effect immediately.

